REMARKS

The above-identified application is United States application serial number 10/037,593 filed on October 19, 2001. Claims 1-3, 5-19, 21-27 and 54-59 are pending in the application. Claims 1-3, 5-19, 21-27 and 54-59 are rejected.

Rejection Under 35 U.S.C. 102(e)

Claims 1-2, 5-19, 21-27, and 54-59 are rejected under 35 U.S.C. 102(e) as being anticipated by Lachman U.S. Patent Publication no. 20020166063, filed February 28, 2002 (hereinafter "Lachman II"). Lachman II claims priority to Lachman U.S. Provisional Patent Application serial no. 60/272712, filed March 1, 2001 (hereinafter "Lachman I"). The filing date of the instant application is October 19, 2001, which falls between the filing dates of Lachman I and II. Any new matter in Lachman II therefore cannot be used as prior art against the claims of the instant application. The Examiner has indicated the sections of Lachman I that she considers equivalent to the portions of Lachman II cited in the Office Action. Accordingly, Applicant responds to the rejections of the claims based on the cited portions of Lachman I.

Claim 1 recites:

"a Regional Transaction Processor (RTP); and
a Data Enabling Device (DED) operable to:
receive one or more data packets from the information network,
detect when the one or more data packets include content match information, and
issue a message to a workstation and invoke the RTP to process a transaction when the content match information is detected in the one or more data packets, wherein the DED is operable to prevent further transmission of the one or more data packets based on the content match information."

In contrast, Lachman I does not prevent further transmission of packets (referred to as a countermeasure) until Lachman determines whether the packet sniffing assessment of a possible threat is accurate. (Lachman I, page 5 lines 20-22, page 10 lines 1-8, page 11 line 21 through page 12 line 17 and page 15 lines 13-20). The Decision Module requires incoming

KOESTNER BERTANI LLP
2192 MARTIN ST.
SUITE 150
IRVINE, CA 92612
TEL (949) 250-7501
FAX (949) 251-0260

packets and router load to assess the threat. (Lachman I, page 7 lines 4-8). Nothing in Lachman I teaches or suggests that the packets are prevented from further transmission during the threat assessment. To the contrary, the Decision Module requires packet flow in real time to assess the threat. (Lachman I, page 5 lines 10-22, page 10 lines 13-18, and page 11 lines 22-23). Accordingly, Lachman I does not teach or suggest preventing further transmission of the same packet in which content match information is found because the Decision Module does not deploy a countermeasure until a threat is confirmed. Threats are not confirmed until more packets flow and the router load is assessed. (Lachman I, page 11 lines 20-page 12 line 6). Claim 1 is distinguishable from Lachman I for at least these reasons.

Claims 2, 3, 5-17, and 54-59 depend from Claim 1 and include features that further distinguish them from the prior art.

Independent Claim 18 recites:

> "detecting the content match information in the at least one data packet in the DED; ... and
> preventing further transmission of the one or more data packets based on the content match information."

In contrast, Lachman I does not prevent further transmission of packets (referred to as a countermeasure) until Lachman determines whether the packet sniffing assessment of a possible threat is accurate. (Lachman I, page 5 lines 20-22, page 10 lines 1-8, page 11 line 21 through page 12 line 17 and page 15 lines 13-20). The Decision Module requires incoming packets and router load to assess the threat. (Lachman I, page 7 lines 4-8). Nothing in Lachman I teaches or suggests that the packets are prevented from further transmission during the threat assessment. To the contrary, the Decision Module requires packet flow in real time to assess the threat. (Lachman I, page 5 lines 10-22, page 10 lines 13-18, and page 11 lines 22-23). Accordingly, Lachman I does not teach or suggest preventing further transmission of the same packet in which content match information is found because the Decision Module does not deploy a countermeasure until a threat is confirmed. Threats are not confirmed until more packets flow and the router load is assessed. (Lachman I, page 11 line 20-page 12 line 6). Claim 18 is distinguishable from Lachman I for at least these reasons.

KOESTNER BERTANI LLP
2192 MARTIN ST.
SUITE 150
IRVINE, CA 92612
TEL (949) 250-7501
FAX (949) 251-0260

Claims 19 and 21- 27 depend from Claim 18 and include features that further distinguish them from the prior art.

CONCLUSION

Applicants believes the application, including claims1-3, 5-19, 21- 27, and 54-59, are in form for allowance and a notice to that effect is solicited. In the event it would facilitate prosecution of this application, the Examiner is invited to telephone the undersigned at (949) 350-7301.

I hereby certify that this correspondence is being transmitted by electronic filing with the USPTO, on the date shown below:

/Mary Jo Bertani/
(Signature)

Mary Jo Bertani
(Printed Name of Person Signing Certificate)

July 18, 2007
(Date)

Respectfully submitted,

/Mary Jo Bertani/

Mary Jo Bertani
Attorney for Applicant(s)
Reg. No. 42,321

KOESTNER BERTANI LLP
2192 MARTIN ST.
SUITE 150
IRVINE, CA 92612
TEL (949) 250-7501
FAX (949) 251-0260